

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 1, 1999

DIVISION TWO

**A085870 -- Elliot Scott Grizzle v. The Superior Court of Del Norte County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate/prohibition/stay is denied. Kline, P.J.

DIVISION THREE

**A081709-B -- Patrick Lapin et al. v. Larry Lockshin.**

Memorandum Opinion: The trial court's order is affirmed as to appellants Patrick and Nancy Lapin, on the grounds stated in case number A081709-A, a copy of which is attached and incorporated by reference. Parrilli, Acting P.J. We concur: Phelan, J.\*, Walker, J.

\*Retired Presiding Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A082892 -- The People v. Jesse Jerome Sutherland.**

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Actg. P.J., Walker, J. (Not for Publication.)

Monday, March 1, 1999 (continued)

**A085290 -- Kenneth D. v. The Superior Court of Alameda County,  
Social Services Agency, R.P.I.**

The order terminating reunification services and setting a selection and implementation hearing (§ 366.26 hearing) and the out-of-county placement order are supported by substantial evidence. The petition for an extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for March 22, 1999. Therefore, our decision is final in this court immediately. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

DIVISION FIVE

**A083105 -- The People v. Darryl Rashee Smith.**

The judgment of conviction is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 2, 1999

DIVISION ONE

**A082799 -- In re Luis A., a Person coming Under the Juvenile Court Law.**

The disposition order is modified to stay the term for false imprisonment. Appellant's maximum period of confinement is six years. Strankman, P. J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION THREE

**A085026 -- Jeremy G. v. The Superior Court of Sonoma County, Sonoma County Department of Human Services, R.P.I.**

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for March 3, 1999. Therefore, our decision is final in this court immediately. Corrigan, J. We concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

Tuesday, March 2, 1999 (continued)

DIVISION FIVE

**A085252 -- Jasmyne B v. The Superior Court of Alameda County.**  
**A085253 -- Gregory B. v. The Superior Court of Alameda County,**  
**Alameda County Social Services Agency, R.P.I.**

The consolidated petitions for extraordinary writ review and requests for stay are denied on the merits. (See Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioners are barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (Subd. (l).) Because the section 366.26 hearing is set for March 5, 1999, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) Jones, P.J. We concur: Stevens, J., Strankman, PJ\*

\*Presiding Justice, Court of Appeal, First Appellate District, Division One, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 3, 1999

DIVISION ONE

**A083844 -- The People v. Richard Dean Mimms.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A084116 -- The People v. Jimmy Elizer Davis.**

The order revoking probation and executing appellant's previously stayed prison term is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

DIVISION THREE

**A078183 -- The People v. Michael August.**

The judgment is affirmed. Phelan, J.\* We concur: Parrilli, Acting P.J., Walker, J.

\*Retired Presiding Justice of the First District Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A079669 -- Fleming Companies, Inc. v. American Motorists Insurance Company et al.**

The judgment of the trial court is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, March 4, 1999

DIVISION ONE

**A083224 -- The People v. Kenneth Delso.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A086038 -- Henry Hernandez v. The Superior Court of San Francisco County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of prohibition/stay is denied. Neither a writ of prohibition nor a writ of mandate will lie to resolve an issue as to the admissibility of evidence. (*People v. Municipal Court (Ahnemann)* (1974) 12 Cal.3d 658, 660.) Kline, P.J.

DIVISION THREE

**A076353 -- Smith A. Ketchum, III v. John Moses.**

By the Court: Appellant's petition for modification and rehearing is denied. McGuiness, P.J.

**A080801 -- Anthony Pellicano v. Nancy L. Martin.**

By The Court: The petition for rehearing and request for publication is denied. McGuiness, P.J.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 5, 1999

DIVISION ONE

**A069589 -- Daniel K. Berman et al. v. Realty Information Systems et al., Charles James Brown.**

The order denying fees is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A079490 -- Frederick Richard Mayers v. Truck Insurance Exchange.**

The judgment is reversed. Mayers to receive costs on appeal. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION FOUR

**A080171, A081660 -- Beth Winterhawk et al. v. City of Benicia et al.**

We affirm the judgment. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Friday, March 5, 1999 (continued)

DIVISION FIVE

**A082945 -- National Casualty Company et al. v. William J. Lyons, Jr., as Secretary, etc.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A083890 -- In re Edwin M., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and placing him in the home of his mother is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A085256 -- Aurelio Moncada Trejo v. The Superior Court of Sonoma County, The People, R.P.I.**

Let a peremptory writ of mandate issue commanding respondent Sonoma County Superior Court to set aside and vacate its order of December 4, 1998, in *People v. Trejo*, case No. SCR-27288, which denies petitioner's motion for identity of informant, and to conduct an in camera hearing pursuant to Evidence Code section 1042, subdivision (d), prior to issuing a decision on petitioner's motion.

In all other respects, the petition for writ of mandate/prohibition is denied.

The stay is dissolved as moot upon the finality of this opinion as to this court. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 8, 1999

DIVISION TWO

**A079134 -- The People v. Michael Edward Tillman.**

**A083670 -- In re Michael Edward Tillman, On Habeas Corpus.**

The judgment is affirmed. The petition for writ of habeas corpus is denied.  
Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

**A082163 -- The People v. Charles Marshal Bonds.**

By The Court: The written opinion which was filed on February 4, 1999, has now been certified for partial publication pursuant to rules 976(b) and 976.1 of the California Rules of Court, and it is therefore ordered that it be published in the Official Reports with the exception of part III B. Kline, P.J.

**A085416 -- Zuhayr Nizam-Aldine, et al. v. The Superior Court of Alameda County, City of Oakland, R.P.I.**

By The Court: The petition for writ of mandate/prohibition/stay is denied.  
Kline, P.J.

**A085499 -- All Transmissions v. Workers' Compensation Appeals Board and Steven Roberts.**

The Court: The petition for writ of review is denied. The request for costs by the Attorney General on behalf of respondent Workers' Compensation Appeals Board is denied. Kline, P.J.

Monday, March 8, 1999 (continued)

**A085642 -- E. L. Wills, Inc. v. The Superior Court of Alameda County, East Bay Municipal Utility District, R.P.I.**

By The Court: The petition for writ of mandate is denied. Kline, P.J.

**A085866 -- In re Rafael Jimenez, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A085868 -- In re Randy Akins, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A085888 -- In re G. Daniel Walker, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A085890 -- In re Ernie W. Stevens, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

**A085973 -- Archie Delaney v. The Superior Court of Alameda County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate is denied without prejudice for failure to provide a record adequate to permit review of the challenged ruling. (See *Sherwood v. Superior Court* (1979) 24 Cal.3d 183, 186-187; Cal. Rules of Court, rule 56, subd. (c).) Kline, P.J.

**A086010 -- John Allen Duchine v. The Superior Court of Contra Costa County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate is denied. Kline, P.J.

Monday, March 8, 1999 (continued)

**A086105 -- In re Jeffrey Scott Long, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION THREE

**A085974, A086007 -- Dennis Malcolm Allison v. The Superior Court for the County of Contra Costa, The People of the State of California, R.P.I.**

By The Court: The above-indicated petitions for writ of mandate and/or prohibition are denied. (McGuiness, P.J., Corrigan, J. & Walker, J participating.) McGuiness, P.J.

DIVISION FOUR

**A083029 -- Donn Campbell et al. v. City of Oakland.**

The order is reversed. Plaintiffs shall recover their costs. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Monday, March 8, 1999 (continued)

DIVISION FIVE

**A083088 -- City of San Carlos v. Workers' Compensation Appeals Board and Thomas A. Maloney.**

The Court: The petition for writ of review is denied. The request of respondent Thomas A. Maloney that the matter be remanded pursuant to Labor Code section 5801 for an award of a supplemental attorney's fee is denied. Respondent may apply to the Board for determination of reasonable appellate costs to be paid by petitioner. (Lab. Code, § 5811; *Johnson v. Workers Comp. Appeals Bd.* (1984) 37 Cal.3d 235, 242.) Haning, J., Acting P.J.

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Monday, March 8, 1999

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., , Swager, J., Marchiano, J., and N. Millner, Deputy Clerk.

A082069      Thomas H. Frost,  
                 v.  
                 Fire Insurance Exchange.  
Cause called and argued by William Green, counsel for appellant, and Dennis M. Campos, counsel for respondent. Cause ordered submitted.

A077264      The People,  
                 v.  
                 Jammie Anne McLean.  
Cause called and argued by Stewart Pollack, counsel for appellant, and Linda M. Murphy, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Strankman left the bench and Acting Presiding Justice Stein joined the bench.

A082211      John D. Freeman, et al.,  
                 v.  
                 Sandra Sassen.  
Cause called and argued by Arlo Hale Smith, counsel for appellants, and Mark Freed, counsel for respondent. Cause ordered submitted.

A083598/  
A082065      Johannes P. Van Vugt,  
                 v.  
                 Mel Anderson, et al.  
Cause called and argued by Norman Lustig, counsel for appellant, and Peter O. Glaessner, counsel for respondents. Cause ordered submitted.

A083662      Teri Bowman,  
                     v.  
                     Russ King, et al.  
Cause called and argued by Michael J. Markowitz, counsel for appellants,  
and Daniel J. Mulligan, counsel for respondent. Cause ordered submitted.

A079424      Stream Analytics, et al.  
                     v.  
                     Terry Lillie, et al.  
Cause called and argued by Bradley Kass, counsel for appellants, and  
Charles J. Smith, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Monday, March 8, 1999

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J. and B. Robbins, Deputy Clerk.

A083071 Intervention, Inc.,  
v.  
Xerox Corporation, et al.  
Cause called and argued by William M. Henley, counsel for appellant; and Claude Stern, counsel for respondents Mindscape, Inc., et al.; Tim Crudo, counsel for respondent Xerox Corporation; and Stanley Young, counsel for respondents Symantic Corporation, et al. Cause ordered submitted.

At this point in the proceedings, Justice Swager left the bench and Justice Marchiano joined the bench.

A080541 The People,  
v.  
Edwaun Victor Moore.  
Cause called and argued by Mark Greenberg, counsel for appellant, and Seth Schalit, Deputy Attorney General, counsel for respondent, via teleconference. Cause ordered submitted.

A079282 The People,  
v.  
Charles Edward Valley, et al.  
Causes called and argued by Michael Satris, counsel for appellant Darvin Peterson, and Catherine Rivlin, Supervising Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A081837      In re Kayla S.  
Social Services Agency,  
v.  
Samantha W.  
Cause called and argued by Carol Bishart-Sani, counsel for appellant, and  
Anthony Scarr, Deputy County Counsel, counsel for respondent. Cause  
ordered submitted.

A080064/  
A081852      Timothy J. Linder,  
v.  
The Doctors' Management Company, et al.  
Cause called and argued by Michael K. Johnson, counsel on behalf of all  
appellants, and John Carey, counsel for respondent. Cause ordered  
submitted.

Court adjourned.



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 9, 1999

DIVISION TWO

**A081006 -- In re the Marriage of Sandra A. and Rodney A.  
Cunningham.**

The child support order is affirmed. Lambden, J. We concur: Haerle,  
Acting P.J., Ruvolo, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 10, 1999

DIVISION ONE

**A077264 -- The People v. Jammie Anne McLean.**

We remand the matter to the trial court, with directions to modify the abstract of judgment to strike the conviction of conspiracy to commit attempted murder and add the conviction of conspiracy to obstruct justice, with the one-year term for that offense stayed under section 654. (See § 182, subd. (a).) The trial court also is directed to forward the modified abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A079314 -- Dwight Willard v. Steven J.D. Stuart, Rebecca Kennerley.**

By The Court: The petition for rehearing is granted. Stein, Acting P.J.

**A082052 -- The People v. Herbert L. Hooper.**

The judgment of conviction is affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

**A082835 -- In re Joanne A., a Person Coming Under the Juvenile Court Law.**

The judgment terminating parental rights is affirmed. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

Wednesday, March 10, 1999 (continued)

**A085485 -- In re William H. and Miranda D., minors.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for April 6, 1999. Therefore, our decision is final in this court immediately. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A083058 -- The People v. William Joseph Barger.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION FOUR

**A082584 -- In re Samantha F., et al., Persons Coming Under the Juvenile Court Law.**

We affirm the judgment. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Wednesday, March 10, 1999 (continued)

DIVISION FIVE

**A084548 -- Pacific Coast Building Products, Inc., et al. v. Superior Court of Sonoma County, Steven N. Ledson, R.P.I.**

Let a peremptory writ issue commanding the Sonoma County Superior Court to set aside that portion of its order filed September 24, 1998, in *Ledson v. Eurocal Trading, Inc., et al.*, action No. 211588, which denied petitioner's motion for summary adjudication on the third cause of action for negligence, and to enter a new and different order granting summary adjudication on the third cause of action for negligence. In all other respects, the petition for writ of mandate is denied. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.) Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION FOUR

Wednesday, March 10, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P. J., Poche, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; Elizabeth Swanson, Bailiff.

A082072     In re Uriah R., a minor.  
              People  
              v.  
              Uriah R.  
Cause called. Ozro Childs, counsel for appellant Uriah R., argued by telecon and Amy Haddix, counsel for respondent, argued in person. Cause submitted.

A079356     Steven Broden  
              v.  
              Marin Animal Services  
Cause called and argued by J. David Nick, counsel for appellant/cross-respondent Broden, and Lawrence A. Baskin and Reed E. Harvey, counsel for respondent/cross-appellant. Cause ordered submitted.

At this point, the court reconstituted itself to include Poche, Acting P.J., Reardon, J. and Sepulveda, J.

A081139     Patrick B. Hammons  
              v.  
              Optical Plastics Research, Inc. et al.  
Cause called and argued by David S. Eisenmann, counsel for appellant Hammons, and by Robert Divelbiss, counsel for respondents. Cause ordered submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J., and Sepulveda, J.

A078423      In re the Marriage of Krempin  
Robert E. Krempin

v.

Patricia A. Krempin

Cause called. John DeRonde, counsel for appellant Patricia Krempin,  
argued by telecon and John Hodson, counsel for respondent, argued by  
telecon. Cause ordered submitted.

Court recessed at 12:32 p.m.

Courtroom Minutes  
Division 4  
Wednesday March 10, 1999

Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Reardon, J., Sepulveda, J., Jim Campbell, Deputy Clerk and CHP Officer T. Tracy, Bailiff.

A080566        People,  
                  respondent,  
                  v.  
                  Jeffrey Scott Harnden  
                  appellant.

A084682        In re Jeffrey Scott Harnden, on Habeas Corpus

Causes called. Mark Greenberg argued on behalf of appellant, Jeffrey Scott Harnden. Richard Rochman, D.A.G., argued on behalf of respondent. Causes submitted.

A081284        People,  
A081652        respondent,  
                  v.  
                  Jerry Joseph Edmunds,  
                  appellant.

Causes called. Thomas Stanley argued by teleconference on behalf of appellant, Jerry Joseph Edmunds. Linda Murphy and Aileen Bunney, D.A.G.s, argued on behalf of respondent. Causes submitted.

The Court adjourned at 2:20 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, March 11, 1999

DIVISION TWO

**A082824 -- In re the Marriage of John J. Kopriva and Karen D. Kopriva.**

In light of appellant's failure to comply with this court's December 29 order, respondent's motion to dismiss the appeal is granted and the appeal is now dismissed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A079880 -- County of Sonoma v. Dante Ambrose Calvi.**

The judgment is affirmed. McGuiness, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A080849 -- The People v. Bryon Jose Smith.**

The abstract of judgment and the court's minute order are ordered amended and modified to strike any reference to imposition or stay of sentence for a prior conviction or prior prison term. In all other respects, the judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)



Thursday, March 11, 1999 (continued)

DIVISION FIVE

**A079849 -- The People v. Kevin Hosea Thomas.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

FIRST APPELLATE DISTRICT  
DIVISION THREE

THURSDAY, MARCH 11, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness PJ., Walker, J., and C. Turner, Deputy Clerk.

                    Presiding Justice McGuiness announced the absence of J. Parrilli and that J. Parrilli would listen to the audio tapes of oral argument.

A082248      Patrick J. Barkley,  
                    v.  
                    City of Blue Lake, et al.,  
                    Counsel has no objection to Parrilli's J., absence.  
                    Cause called and argued by Richard Platz, counsel for appellant, and  
                    Patrick Murphy, counsel for respondent. Cause ordered submitted.

A079070      Allan R. Carpenter, et al.,  
                    v.  
                    Sheppard, Mullin, Richter & Hampton, et al.,  
                    Counsel has no objection to Parrilli's J., absence.  
                    Cause called and argued by Rhonda Smiley, counsel for appellant, Sean M.  
                    Selegue and Dale E. Fredericks, counsel for respondents. Cause ordered  
                    submitted.

                    Justice Corrigan took her place on the bench.

A080342      The People,  
                    v.  
                    Dana Paul Reser,  
                    Argument waived. Cause ordered submitted.  
                    Justice McGuiness announced the absence of J. Parrilli and that J. Parrilli  
                    would listen to the audio tape on the following case.

A076935      Linda A. Rosario,  
v.  
First Nationwide Financial Corporation, et al.,  
Counsel has no objection to J. Parrilli's absence.  
Justice McGuiness left the bench.  
Cause called and argued by Laurel Angela Mousseau, counsel for appellant,  
and Michael Dickstein, counsel for respondent. Cause ordered submitted.

court adjourned

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 12, 1999

DIVISION TWO

**A079043 -- The People v. Robert Allen Miller.**

The judgment is reversed and the trial court is directed to conduct a *Marsden* hearing. If the trial court determines that good cause for appointment of new counsel has been shown, the court shall appoint new counsel and set the case for retrial. If the court determines that good cause has not been shown, it shall reinstate the judgment against appellant. (See *Kelley, supra*, 52 Cal.App.4th at p. 580.) In all other respects, the judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A085478 -- In re Trevon B., a Person Coming Under the Juvenile Court Law.**

The petitioner for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888.) Petitioner is barred in any subsequent appeal from making further challenges to the order denying his request for a continuance, denying reunification services, and setting a hearing under section 366.26. (See subd. (l).) Since the permanency planning hearing is set for April 9, 1999, this opinion is final as to this court forthwith. (Rule 24(d).) Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Friday, March 12, 1999 (continued)

DIVISION THREE

**A079705 -- The People v. Mony M. Farael.**

Order Modifying Opinion and Certification for Partial Publication; The Court: It is ordered that the opinion filed herein on February 11, 1999, be modified to add the following paragraph on page 1, immediately following the heading "Background": (See Order.)

There is no change in the judgment.

This opinion is certified for partial publication (rule 976.1, Cal. Rules of Court) as to the introductory and background section, part III.B of the discussion section, and the disposition. Parts I through IV of the background section and parts I, II, and III, with the exception of section III.B, of the discussion section are not included in the order of publication. McGuiness, P.J.

**A081566 -- City and County of San Francisco v. Laurent M. Garnett.**

The order under review is reversed. The trial court shall recompute Garnett's child support obligation in accordance with the provisions of section 4071.5. The parties shall bear their own costs on appeal. Parrilli, J. We concur: Phelan, J.\*, Corrigan, Acting P.J. (Certified for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 15, 1999

DIVISION ONE

**A080064/A081852 -- Timothy J. Linder v. The Doctors' Management Company et al.**

The orders denying the petitions to compel arbitration are reversed. Respondents are awarded their costs on appeal. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A081799 -- The People v. Cameron Lee Hill.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A085716 -- Kathleen Bernard et al. v. Maureen Ann Pierce.**

The appeal is dismissed. Costs on appeal to respondent. Kline, P. J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Monday, March 15, 1999 (continued)

DIVISION THREE

**A084444 -- The People v. Richard Paras Wong.**

The judgment is affirmed. Walker, J. We concur: McGuiness, P. J. Parrilli, J. (Not for Publication.)

DIVISION FOUR

**A081284 -- The People v. Jerry Joseph Edmunds.**

The judgment is affirmed. Hanlon, P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A081652 -- The People v. Jerry Joseph Edmunds.**

The judgment is affirmed. Hanlon, P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

DIVISION FIVE

**IN THE MATTER OF THE ASSIGNMENT OF THE HONORABLE  
GARY E. STRANKMAN TO SIT AS A JUSTICE OF THIS COURT.**

By The Court: It is ordered that the assignment of the Honorable Gary E. Strankman, Presiding Justice of the Court of Appeal, First Appellate District, Division One, to sit as a Justice on Division Five be spread upon the minutes in full. Haning, Acting P.J.

Monday, March 15, 1999 (continued)

**A082917 -- In re Derek D., a Person Coming Under the Juvenile Court law.**

The order terminating appellant's parental rights is affirmed. Stevens, J.  
We concur: Jones, P.J., Haning, J. (Not for Publication.)



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 16, 1999

DIVISION ONE

**A070024 -- The People v. Bernard Leroy MacCarlie et al.**

**A073277 -- The People v. Anthony Lang Lockley et al.**

MacCarlie's case is remanded to the trial court for the limited purpose of amending the abstract of judgment to modify the award of presentence credits as indicated herein. The robbery and first degree murder convictions and the special circumstances finding against Adcock are reversed, and her case is remanded to the trial court for resentencing, and further proceedings consistent with the views herein expressed. In all other respects, the judgments are affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A079282 -- The People v. Charles Edward Valley et al.**

We remand the matter to the trial court for the limited purpose of determining the presentence conduct credits to which defendant Valley is entitled, if any; we affirm the judgment against him in all other respects. We affirm the judgment against defendant Peterson. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A079424 -- Stream Analytics et al. v. Terry Lillie et al.**

The judgments are affirmed. Respondents shall recover from appellants their costs of this appeal. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Tuesday, March 16, 1999 (continued)

**A082211 -- John D. Freeman et al. v. Sandra Sassen.**

The judgment is affirmed. Stein, A.P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A083093 -- The People v. Tommy Escarcega.**

The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A083409 -- The People v. Winston Hunter.**

The judgment is affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

**A084173 -- In re Christopher B., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J.

DIVISION TWO

**A078887 -- The People v. Thomas R. Winger.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A082254 -- Mary Anne Shaffer et al. v. Christopher Lewis Shaffer.**

We conclude the trial court did not err in denying appellant equitable relief by refusing to disallow retroactive assessment of the interest on arrearages.

We affirm that order. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Tuesday, March 16, 1999 (continued)

**A085650 -- Rhone-Poulenc Basic Chemicals Co. et al. v. The Superior Court of Contra Costa County, Todd and Timothy Meyers, R.P.I.**

By The Court: The petition for writ of mandate/stay is denied, and the temporary stay previously imposed is lifted. Kline, P.J.

**A086156 -- Stanley Goff v. The Superior Court of San Mateo County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate is denied without prejudice. Any habeas corpus petition concerning petitioner's appeal in A082352 should have been filed in this court since the appeal is pending in this court. Kline, P.J.

DIVISION FOUR

**A084344 -- In re Jai Glenn E., a Person Coming Under the Juvenile Court Law.**

The order committing appellant to placement at CYA is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

DIVISION FIVE

**A084121 -- The People v. Dustin Lawrence Charlesworth.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

Tuesday, March 16, 1999 (continued)

**A085394 -- Bobbi L. v. Superior Court of Alameda County, Social Services Agency et al., R.P.I.**

The petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Bobbie is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (l).) Because the section 366.26 hearing is set for April 9, 1999, our decision is final as to this court immediately. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 17, 1999

DIVISION ONE

**A080206 -- The People v. Jimmie Lee Smith Jr., et al.**

We remand the Smith case to the trial court for modification of the sentence in accordance with the views expressed herein. In all other respects, the judgments are affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A081837 -- In re Clinton S. et al., Persons Coming Under the Juvenile Court Law.**

The orders appealed from are affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A083924 -- The People v. Raymond Crowther.**

The judgment of conviction is affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A082926 -- In re Ivan L., a Person Coming Under the Juvenile Court Law.**

The judgment of the juvenile court is affirmed as to count one and reversed as to count two. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Wednesday, March 17, 1999 (continued)

**A086214 -- In re Richard Cross, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION FOUR

**A082914 -- In re Dontre S. et al., Persons Coming Under the Juvenile Court Law.**

**A085410 -- Tammy S. v. Superior Court of California, County of San Mateo, San Mateo County Department of Youth and Family Services, R.P.I.**

**A085411 -- Shannon S. v. Superior Court of California, County of San Mateo, San Mateo County Department of Youth and Family Services, R.P.I.**

In AO82914, the dispositional order of April 1, 1998, is affirmed. In AO85410 and AO85411, the petitions for extraordinary writs are denied on the merits. (§ 366.26, subd. (l)(1); Cal. Rules of Court, rule 39.1A(b)(2).) The requests for stays of the hearing to terminate parental rights in accordance with section 366.26 scheduled for March 29, 1999, are denied. With respect to AO85410 and AO85411, this opinion is final forthwith. (Cal. Rules of Court, rule 24.) Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, March 17, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Haerle, Acting, P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A084596      In re Elvin James Polk,  
                    on Habeas Corpus.  
Cause called and argued by Michael McCormick, counsel for petitioner and Pam Critchfield, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A080367      Promontory Point Townhouses Association  
                    v.  
                    Shoreline Development Company  
                    Western Landscape Construction  
Cause called and argued by Alexander Robertson, counsel for appellant and David Feingold and Mark Howitson, counsel for respondents. Cause ordered submitted.
- A082242      Stephen M. Williams  
                    v.  
                    Board of Permit Appeals, et al.  
                    Ashbourne Construction  
Cause called and argued by Stephen Williams, appellant in propria persona and Audrey Williams, Deputy City Attorney, counsel for respondent. Cause ordered submitted.
- A080977      In re the Marriage of George and Maria Beckwith  
                    George Beckwith  
                    v.  
                    Maria T. Beckwith  
Cause called and argued by Maria T. Beckwith, appellant in propria persona and George Beckwith, respondent in propria persona. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, J., Lambden, J., Ruvolo, J., and S. Graham, Deputy Clerk.

A080504 Michael A. Waul  
v.  
Andrew August, et al.  
Cause called and argued by Michael Waul, appellant in propria persona and Mark Perelman, counsel for respondent. Cause ordered submitted.

A080873 Lane Jenkins  
v.  
State Compensation Insurance Fund  
Cause called and argued by Allen Kent, counsel for appellant and Virginia Hoyt, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Ruvolo left the bench and Justice Haerle joined the bench.  
A080910 In re the Marriage of David and Cher Morse  
David Morse  
v.  
Cher Gillette Morse  
Cause called and argued by Robert Roth, counsel for appellant and Ann Louise Riley, counsel for respondent. Cause ordered submitted.

A080225 Jan Overholtzer  
v.  
West Contra Costa Unified School District  
Cause called and argued by Jack Dougherty, counsel for appellant and Maureen Sacks, counsel for respondent. Cause ordered submitted.

A083770 James X. Moura, et al.  
v.  
Manuel E. Prado  
Cause called and argued by Robert Kahn, counsel for appellants and Terence Murphey, counsel for respondent. Cause ordered submitted.

Court recessed until Thursday, March 18, 1999 at 9:30 a.m.



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, March 18, 1999

DIVISION TWO

**A082148 -- The People v. D'Angelo Edmond Jackson.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J.  
(Not for Publication.)

**A086192 -- In re Muharem Kurbegovich, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION FOUR

**A078423 -- In re the Marriage of Robert E. Krempin and Patricia A. Krempin.**

The order filed March 13, 1997, denying appellant's motion for payments based on the military pension is reversed, and that matter is remanded for further proceedings consistent with his opinion. The other orders filed March 13, 1997, and the order filed March 17, 1997, are affirmed. The parties shall bear their own costs on appeal. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Certified for Partial Publication.)

Thursday, March 18, 1999 (continued)

**A081340 -- California Pacific Homes, Inc. v. Scottsdale Insurance Company et al.**

By The Court: On the court's own motion rehearing is granted as to the opinion filed on February 17, 1999, in the above-captioned case.

Appellants' petition for rehearing is denied as moot. Poché, Acting P.J.  
(Certified for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, March 18, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J., and I. Santos, Deputy Clerk.

A085569     In re Kim Harold Burnett on Habeas Corpus.  
Cause called and argued by Carol Strickman, counsel for appellant, and Linda Murphy, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A080088     Nobantu Ankoanda,  
v.  
Paula D. Walker-Smith.  
Cause called and argued by Douglas N. Akay, counsel for appellant, and Timothy Ward, counsel for respondent. Cause ordered submitted.

A080376     Andrew Johnson Schortgen,  
v.  
Jeff Wedel et al.  
Cause called and argued by Edie Sussman, counsel for appellant, and Alec Boyd, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Lambden, J., Ruvolo, J. and I. Santos, Deputy Clerk. Justice Lambden is on the bench only for the first case.

A083114     Harlan Tait Associates,  
v.  
Wells Fargo Bank, N.A.  
Cause called and argued by Daniel U. Smith, counsel for appellant, and John Bergholt, counsel for respondent. Cause ordered submitted.

At this point of the proceeding, Justice Lambden left the bench.

- A082942 China Basin Properties, Ltd.,  
v.  
The Public Transportation Department of the City and County of San Francisco.  
Cause called and argued by Molly Brennan, counsel for appellant, and via teleconference, Robin Reitzes, counsel for respondent. Cause ordered submitted.
- A082685 Hayward Area Planning Association, Inc., et al.,  
v.  
Alameda County Transportation Authority et al.  
Cause called and argued by H.E. Christian Peeples, counsel for appellants, and Leslie Allen Hausrath and Susan Anne Dovi, counsels for respondents. Submission deferred for 7 days. Parties permitted to file a letter of opposition of Justice Kline participating in this case.
- A82318 Gene Housley et al.,  
v.  
Castro Valley Sanitary District.  
Cause called and argued by Raymond Baker, counsel for appellant, and Anthony Varni, counsel for respondent. Cause ordered submitted.
- A083152 Herbert Walter Quick,  
v.  
Callene Sheila Dubel, et al.  
Cause called and argued by John Glugoski, counsel for appellant, and Terry Anastassion, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 19, 1999

DIVISION THREE

**A083005 -- In re Jesse C., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A080342 -- The People v. Dana Paul Reser.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

DIVISION FOUR

**A083349 -- The People v. Steven Allen Butler.**

The judgment is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Friday, March 19, 1999 (continued)

DIVISION FIVE

**A078295 -- Wilson, McCall & Daoro et al. v. American Qualified Plans, Inc.**

The summary judgment in favor of Wilson is reversed and the matter is remanded with directions to entertain AQP's motion for attorney fees under section 1021.6. The order denying AQP attorney fees pursuant to section 1038, and the summary judgment in favor of AQP are affirmed. Each party to bear its own costs on appeal. Haning, J. We concur: Jones, P.J., Champlin, J.\*

\*Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Partial Publication.)

**A082226 -- The People v. Michael D. Holloway.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

**A083350 -- The People v. Alice Elizabeth Coleman.**

The judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A083408 -- The People v. Ruben E. Souza.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A084454 -- The People v. Connie Sue Richardson.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 22, 1999

DIVISION TWO

**A083292 -- The People v. Ben Isaac Harless.**

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

DIVISION FOUR

**A081058 -- The People v. Henry Calvin Aubrey III.**

The case is remanded to the trial court to determine the local conduct credits in accordance with the views expressed in the unpublished portion of our opinion, to modify the abstract of judgment to include such credits, and to forward a certified copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Certified for Partial Publication.)

DIVISION FIVE

**A079849 -- The People v. Kevin Hosea Thomas.**

Order Modifying Opinion and Denying Rehearing; By The Court: The opinion filed herein on March 11, 1999, is modified to add part IX, below. (See Order).

The modification does not effect a change in the judgment.

The petition for rehearing is denied. Jones, P.J. (Not for Publication.)

Monday, March 22, 1999 (continued)

**A081433 -- City and County of San Francisco v. Norma Lee Carter.**

The judgment is reversed. Stevens, J. We concur: Jones, P.J., Haning, J.  
(Not for Publication.)



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 23, 1999

DIVISION ONE

**A083294 -- The People v. Danny Wayne Alexander.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A084246 -- The People v. Jeffrey Robert Aguilar.**

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A080002 -- Vincent Diraimondo v. Douglas K. Patton.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A080066 -- Jack Poff v. Willow Creek Ranch, LLC et al.**

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A085704 -- California Capital Insurance Group v. The Superior Court of Sonoma County, Gregory and Saranne Rosalsky, R.P.I.**

By The Court: The petition for writ of mandate is denied. Kline, P.J.

Tuesday, March 23, 1999 (continued)

**A085889 -- In re Steven Eric Walker, on Habeas Corpus.**

By The Court: Respondent court having ruled on petitioner's habeas corpus petition, the order to show cause is discharged and the petition for writ of habeas corpus is denied. Kline, P.J.

**A086246 -- In re Garry A. Sullivan, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION THREE

**A081483 -- The People v. Rene Solis, Sr.**

Affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A082179 -- The People v. Lonnie William Victory.**

We affirm in all respects. We do not address appellant's contention regarding remand for recalculation of credits for time served because the trial court has amended its abstract of judgment to correct its error. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION FOUR

Tuesday, March 23, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P. J., Poche, J., and Reardon, J.; Jim Campbell, Deputy Clerk; Lorrie Kempf, Bailiff.

A079097     In re Guardianship of ZW & KW  
Cause called. Argument by E. Elizabeth Summers, counsel for appellant; Joan Hollinger, counsel for amici in support of appellant; and Carol Amyx, counsel for respondent. Cause submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J., and Sepulveda, J. Jim Campbell, courtroom clerk, substituted out. Channing Hoo, courtroom clerk, substituted in.

A081680     In re Roosel W., a minor.  
People  
v.  
Roosel W.  
Cause called and argued by Stewart Pollack, counsel for appellant Roosel W., and Karl Mayer, counsel for respondent. Cause ordered submitted.

At this point, the court reconstituted itself to include Poche, Acting P.J., Reardon, J. and Sepulveda, J.

A080231     People  
v.  
Carlos Massey  
Cause called and argued by John Jordan, counsel for appellant Massey, and by Richard Rochman, counsel for respondent. Letter brief from appellant by 5:00 p.m., Friday, March 26, 1999. Cause to be submitted upon that filing.

A082955     Mendocino Coast Properties, Inc.

v.

Irish Beach Water District

Cause calendared for 10:30 a.m. Cause called at 11:45 a.m. No appearance on behalf of appellant. No appearance on behalf of respondent. Cause ordered submitted.

Court adjourned at 11:50 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 24, 1999

DIVISION ONE

**A079314 -- Dwight Willard v. Steven J. Duca Stuart et al.**

The judgment is affirmed as to liability and compensatory damages. It is reversed as to the award of punitive damages, and the matter remanded to the trial court for a determination of an appropriate award of punitive damages against Stuart and Frederick Kennerley, separately. Although Stuart has prevailed on the issue of punitive damages, his victory in that regard may be pyrrhic and Willard has prevailed on all substantive issues raised by Stuart in his appeal. Willard, therefore, is awarded his costs on appeal. Rebecca Kennerley is awarded her costs for responding to the cross-appeal. Finally, although we find most of Stuart's contentions wholly to lack merit, we do not find that the appeal is frivolous under the standard set forth in *Marriage of Flaherty* (1982) 31 Cal.3d 637, 650-651, and we therefore decline to award sanctions against him. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A082470 -- Robert J. Jordan v. Retirement Board of the City and County of San Francisco.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A083603 -- In re the Marriage of Richard and Rachael Hougham.**

The judgment is modified to provide that Wife's name will be restored to Rachael Craven. As so modified, the judgment is affirmed. Husband is awarded his costs on appeal. Stein, A.P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

Wednesday, March 24, 1999 (continued)

**A084304 -- In re Marc Stewart H., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A081454 -- Dreisbach Enterprises, Inc. v. Americold Corporation.**

The post-dismissal order denying Americold attorney fees is affirmed. Dreisbach is awarded its costs on appeal. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A086276 -- In re Richard Cross, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION FOUR

**A082072 -- In re Uriah R., a Person Coming Under the Juvenile Court Law.**

The commitment order is modified to show that appellant was found to be an accessory, within the meaning of section 32, with no further reference to any criminal offense. As so modified, the order is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Certified for Partial Publication.)

Wednesday, March 24, 1999 (continued)

**A083139 -- In re Billy T., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J.  
(Not for Publication.)

DIVISION FIVE

**A082585 -- In re Rahmond B., a Person Coming Under the Juvenile Court Law.**

We affirm the judgment. Jones, P.J. We concur: Haning, J., Stevens, J.  
(Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, March 24, 1999

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: Corrigan, J., Parrilli, J., Walker, J., \*Phelan, J., and C. Turner, Deputy Clerk.

Each member of the panel gave their farewell speech for the Honorable Judge Phelan.

Justice Parrilli left the bench.

A080466

The Recorder,

v.

The Commission On Judicial Performance,

Cause called and argued by Richard Schickele, counsel for appellant, and Karl Olson, counsel for respondent. Cause ordered submitted.

A079881

The Recorder,

v.

The Commission On Judicial Performance,

Cause called and argued by Jack Coyle, counsel for appellant, and Stephen R. Barnett, counsel for respondent. Cause ordered submitted.

Justice Phelan left the bench and Justice McGuiness took his place on the bench

A077616

The People,

v.

Billy Dean Smith,

Cause called and argued by Oliver Jenning Northrup, counsel for appellant, and Deputy Attorney General, Sharon Wooden, counsel for respondent. Cause ordered submitted.

A077741

Morris E. Hurley,

v.

Kaiser Foundation Health Plan, Inc., et al.,

Cause called and argued by Morris Hurley, appellant in pro per, and Jason John Curliano, counsel for respondent. Cause ordered submitted.



A080944     The People.  
v.  
Robert Robert Oliver Wiggins,  
Cause called and argued by Cynthia Ann Thomas, counsel for appellant,  
and Deputy Attorney General, Shannon G. Chase, counsel for respondent.  
Cause ordered submitted.  
Justice Walker left the bench and Justice Parrilli took her place on the  
bench.

A080675     The People,  
v.  
Nanette Inovero Bebing,  
Cause called and argued by Richard L. Braucher, counsel for appellant, and  
Sharon Wooden, Deputy Attorney General, counsel for respondent. Cause  
ordered submitted.

A079226     Michael C. Sotiriou,  
v.  
Dennis E. Baca, et al.,  
Cause called and argued by Thomas Schofield, counsel for appellant, and  
Marc Janowitz, counsel for respondent. Cause ordered submitted.  
court adjourned

\*Retired Presiding Justice of the Court of Appeal First District assigned by  
the Chief Justice pursuant to article VI, section 6 of the California  
Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, March 25, 1999

DIVISION ONE

**A076924 -- The People v. Kenneth James Goode.**

The case is remanded to the trial court with directions to strike one of the two enhancements imposed pursuant to Penal Code section 667, subdivision (a), and to entertain discretion in resentencing appellant on the two indeterminate life terms in accordance with the views expressed herein. In all other respects, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A080541 -- The People v. Edwaun Victor Moore.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A081178 -- Norman Monarch v. Southern Pacific Transportation Company.**

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Certified for Partial Publication.)

**A082069 -- Thomas H. Frost v. Fire Insurance Exchange.**

Accordingly, the judgment is affirmed. Swager, J. We concur: : Strankman, P.J., Marchiano, J. (Not for Publication.)

Thursday, March 25, 1999 (continued)

DIVISION TWO

**A086343 -- Thomas Lloyd Dudley v. The Superior Court of Sonoma County; The People of the State of California. R.P.I.**

By The Court: The petition for writ of mandate/stay is denied. Kline, P.J.

DIVISION THREE

**A076935 -- Linda A. Rosario v. First Nationwide Financial Corporation et al.**

We affirm the trial court's judgment. First Nationwide shall recover its costs on appeal. Walker, J. We concur: Corrigan, Acting P. J., Parrilli, J. (Not for Publication.)

**A080180 -- Coalition for a One-Stop Terminal et al. v. San Francisco Bay Area Rapid Transit et al.**

The judgment of the trial court is affirmed. Corrigan, J. We concur: McGuinness, P. J., Parrilli, J. (Not for Publication.)

**A080904 -- The People v. Marcos Paz Manzo.**

The challenged instructions were appropriately given. We therefore affirm. Walker, J. We concur: Corrigan, Acting P. J., Parrilli, J. (Not for Publication.)

**A080978 -- Homebuilders Association of Northern California, et al. v. City of Livermore; Livermore Valley Joint Unified School District, R.P.I.**

By The Court: The petition for rehearing is granted. McGuinness, P.J.

Thursday, March 25, 1999 (continued)

**A081149 -- The People v. Edward M. Lazzerini.**

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Actg. P. J., Walker, J. (Not for Publication.)

**A083564 -- In re Elizabeth W., a Person Coming Under the Juvenile Court Law.**

Affirmed. Walker, J. We concur: McGuiness, P. J., Parrilli, J. (Not for Publication.)

**A084113 -- The People v. Stephen Sean Sommers.**

The judgment is affirmed. Parrilli, J. We concur: McGuiness, P. J., Corrigan, J. (Not for Publication.)

**DIVISION FOUR**

**A079356 -- Steven Broden v. Marin Humane Society.**

The judgment is modified as follows: (1) Paragraphs “1)” and “3)” showing that plaintiff is to recover \$2,540 “as damages for the loss of his property” and a “net total” of \$1,004, respectively, are deleted; and, (2) Paragraph “2)” is amended to show that defendant is entitled to recover boarding fees in the amount of \$1,536, impound fees in the amount of \$420, and veterinary expenses in the amount of \$912.50, for a total of \$2,868.50. As so modified the judgment is affirmed. The parties shall bear their respective costs. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Certified for Publication.)

Thursday, March 25, 1999 (continued)

**A081340 -- California Pacific Homes, Inc. v. Scottsdale Insurance Company et al.**

The judgment is affirmed. Poché, Acting P.J. We concur: Reardon, J., Sepulveda, J. (Certified for Publication.)

DIVISION FIVE

**A082140 -- The People v. Randy E. Cooper.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

**MINUTES**  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FIVE

Thursday, March 25, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Haning, J., and Stevens, J.; and Mary P. Quilez, Deputy Clerk.

- A083166      Lawrence S. Krain  
                 v.  
                 Medical Board of California et al.  
                 Cause called. Heidi Weisbaum, Deputy Attorney General, counsel for  
                 respondent. Counsel for appellant did not appear. Cause ordered  
                 submitted.
- A083631      Lawrence S. Krain  
                 v.  
                 Medical Board of California et al.  
                 Cause called. Heidi Weisbaum, Deputy Attorney General, counsel for  
                 respondent. Counsel for appellant did not appear. Cause ordered  
                 submitted.
- A084008      Lawrence S. Krain  
                 v.  
                 The Superior Court  
                 Medical Baord of California  
                 Cause called. Heidi Weisbaum, Deputy Attorney General, counsel for  
                 respondent. Counsel for appellant did not appear. Cause ordered  
                 submitted.
- A083474      J&M Industrial Supply Company et al.  
                 v.  
                 George D. Meixel et al.  
                 Cause called and argued by Robert C. Weems, counsel for appellant, and  
                 by Barbara Triggs, counsel for respondent. Cause ordered submitted.

A085093 Steven H. Gee  
v.  
Medical Board of California  
Cause called and argued by Timothy D. Murphy, counsel for petitioner and Mara Lea Faust, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A085580 Steven H. Gee  
v.  
Division of Medical Quality et al.  
Cause called and argued by Timothy D. Murphy, counsel for appellant, and by Mara Lea Faust, Deputy Attorney General, counsel for respondents. Cause ordered submitted.

A081171 Josef Youmtoub  
v.  
Thomas Rosanelli  
Cause called. David B. Paynter, counsel for respondent. Appellant did not appear. Cause ordered submitted.

A082833 Fred Thede  
v.  
Bethel Family Christian Center  
Cause called and argued by Gary L. Hall, counsel for appellant, and by Earl D. Johnson, counsel for respondent. Cause ordered submitted.

A083214 Nurit Lissovsky  
v.  
Tany Lynn Harty et al.  
Cause called and argued by Walter H. Walker, counsel for appellant, and by Willaim David Ayers, counsel for respondents. Cause ordered submitted.

A079909 The People  
v.  
Lawrence Allen Angelel  
Cause called and argued by Marcus S. Topel, counsel for appellant, and by David H. Rose, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083623      The People  
v.  
In re Loren M., a minor  
Cause called and argued by Louis Marinus Wijzen, counsel for appellant and Jill Thayer, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A082502      The People  
v.  
Ted Arthur Pompa  
Cause called and argued by Erik Nils Larson, counsel for appellant, and by Martin S. Kaye, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A082749      The People  
v.  
Jason Todd McGlown  
Cause called and argued by Eric Liberman, counsel for appellant, via teleconference and by Ross C. Moody, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A083728      The People  
v.  
Billy Jiles Holdman, Jr.  
Cause called and argued by Mia Anna Mazza, Deputy Attorney General, counsel for appellant, and by Ronald Richard Boyer, Deputy Public Defender, counsel for respondent. Cause ordered submitted.

A081495      The People  
v.  
William Timothy Taylor  
Cause called and argued by Dennis Patrick Riordan, counsel for appellant, and by Amy Haddix, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A082530      The People  
v.  
Leland Shannon Muro  
Cause called. Eleanor M. Kraft, counsel for appellant waives oral argument. Cause ordered submitted.



Court adjourned at 1:50 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, March 26, 1999

DIVISION TWO

**A081390 -- Sheryle Barkat v. USX Corporation.**

The judgment is reversed. Lambden, J. We concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

**A082754 -- The People v. Carlos R. Osorio.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

**A083012 -- In re Carley M., a Person Coming Under the Juvenile Court Law.**

**A084653 -- In re Tammy M. on Habeas Corpus.**

The judgment on the appeal (A083012) is affirmed, and the petition for habeas corpus (A084653) is summarily denied. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A084174 -- In re Daronta L., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a continued ward of the court pursuant to Welfare and Institutions Code section 602 and placing him at Fouts Springs Ranch is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Friday, March 26, 1999 (continued)

**A085840 -- Darrell Hunter v. The Superior Court of Marin County,  
The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate/prohibition/stay is denied.  
Haerle, Acting P.J.

**A086113 -- Kassa Mengistu v. The Superior Court of Alameda County,  
Ampco System Parking, et al., R.P.I.**

By The Court: The petition for writ of mandate/prohibition is denied.  
Haerle, Acting P.J.

**A086329 -- In re Harold John Rolley, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Haerle,  
Acting P.J.

**A086356 -- In re John Allen Duchine, on Habeas Corpus.**

By The Court: The petition for writ of habeas corpus is denied. Haerle,  
Acting P.J.

**A086289 -- Vera Koval, et al. v. The Superior Court of Alameda  
County, Kaiser Foundation Hospital, Inc., et al., R.P.I.**

By The Court: With respect to the issue of the alleged excessive forum costs of arbitration, the petition is denied without prejudice to petitioners making the predicate factual determinations in the trial court. (See *Turner v. Superior Court* (1998) 67 Cal.App.4th 1432.) In all other respects, the petition for writ of mandate/stay is denied. Kline, P.J.

Friday, March 26, 1999 (continued)

DIVISION THREE

**A080249 -- Diana Vuillemainroy et al. v. American Rock & Asphalt, Inc.**

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Certified for Publication.)

DIVISION FOUR

**A082722 -- In re Peter G., a Person Coming Under the Juvenile Court Law.**

The adjudication that appellant possessed burglar tools in violation of section 466 and the two-month term imposed thereon are reversed. The four-month term imposed for a violation of section 12025, subdivision (a)(2) is stayed pursuant to section 654. The new maximum term of confinement is five years and four months. The trial court is ordered to file an amended abstract of judgment reflecting the new maximum term and transmit a copy of the same to the California Youth Authority. In all other respects, the judgment is affirmed. Reardon, J. We concur: Poché, Acting P.J., Sepulveda, J. (Not for Publication.)

**MINUTES**  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FIVE

Friday, March 26, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Haning, J., and Stevens, J.; and Mary P. Quilez, Deputy Clerk.

- A080354      Shannon K. Marshall et al.  
                  v.  
                  Clarissa S. Tannlund  
                  Cause called and argued.. Richard James Collier, counsel for appellant and  
                  James Foster Feutz, counsel for respondents. Cause ordered submitted.
- A083760      Downtown Auto Center  
                  v.  
                  Sabrina Barnes  
                  Cause called. Kurt Hendershott, counsel for appellant. Counsel for  
                  respondent did not appear. Cause ordered submitted.
- A082444      James Cassady  
                  v.  
                  Donna Signorelli  
                  Cause called and argued. Carol S. Bruch, counsel for appellant and A.  
                  Charles Dell'Ario, counsel for respondent. Cause ordered submitted.
- A083148      James Cassady  
                  v.  
                  Donna Signorelli  
                  Cause called and argued. Carol S. Bruch, counsel for appellant and A.  
                  Charles Dell'Ario, counsel for respondent. Cause ordered submitted.

Court adjourned at 10:15 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, March 29, 1999

DIVISION TWO

**A080376 -- Andrew Johnson Schortgen v.. Jeff Wedel et al.**

The order denying attorney's fees is affirmed. Respondents shall recover their costs on appeal. Kline, P. J. We concur: Haerle, J. Lambden, J. (Not for Publication.)

**A080504 -- Michael A. Waul v. Andrew August et al.**

The judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A084385 -- In re Santung S., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Monday, March 29, 1999 (continued)

DIVISION THREE

**A070356 -- Henry Lee Dendy v. Sears, Roebuck and Company et al.**

For all the foregoing reasons, the judgment of the trial court is affirmed in its entirety. Costs to respondent. Phelan, J.\* We concur: Parrilli, Acting P.J., Walker, J.

\*Retired Presiding Justice of the First district Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution (Not for Publication.)

**A083045 -- The People v. Thomas Leroy Bechtol.**

Affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

**A082291 -- The People v. Jose Santa Romana Tuico.**

For all the foregoing reasons, the judgment is affirmed. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, March 30, 1999

DIVISION TWO

**A083284 -- Costco Companies, Inc. v. John Slevin, et al.**

The preliminary injunction is affirmed to the extent it enjoins appellants from violating the 3-Day Advance Application Restriction during the pendency of this action. In all other respects, the preliminary injunction is reversed and the matter is remanded to the trial court which is directed to resolve the remaining substantive issues presented by Costco's motion for a preliminary injunction. Each party is to bear its own costs on appeal. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A085269 -- The People v. The Superior Court of San Francisco County, Carlos Ramirez, R.P.I.**

Let a peremptory writ issue commanding that the court set aside its order dismissing the petition and to proceed instead with a trial under Welfare and Institutions Code section 6604. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

**A086377 -- Ron Partridge v. The Superior Court of Sonoma County, County of Sonoma, R.P.I.**

By The Court: The petition for writ of mandate/prohibition is denied. Haerle, Acting P.J.



Tuesday, March 30, 1999 (continued)

DIVISION THREE

**A077741 -- Morris E. Hurley v. Kaiser Foundation Health Plan, Inc., et al.**

The judgment is affirmed. Morris to bear costs of appeal. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

**A078114 -- The People v. Glenn Alan Dunn.**

The one-year enhancement imposed pursuant to section 667.5, subdivision (b), is hereby ordered stricken. The trial court is directed to prepare an amended abstract of judgment reflecting an aggregate term of imprisonment of 86 years. In all other respects, the judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A080131 -- Franklin Jerome Day, M.D. v. The Superior Court of the City and County of San Francisco, Division of Medical Quality of The Medical Board of California, R.P.I.**

The petition for writ of mandate is denied. McGuiness, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A080992 -- Misty K. Ty v. Rodolfo Raymundo Llorca.**

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A082340 -- The People v. Shawn Saldivar Windbush.**

The sentence imposed on count 9, the Casas false imprisonment, is ordered stayed. In all other respects, the judgment is affirmed. The trial court is directed to issue a modified abstract of judgment and forward that document to the Department of Corrections. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Tuesday, March 30, 1999 (continued)

**A082918 -- The People v. Allen Bert Barker.**

Affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A083352 -- The People v. Donald Wayne King.**

The judgment is affirmed. The San Mateo County Superior Court is directed to prepare an amended abstract of judgment accurately reflecting the sentence imposed by the court on June 30, 1998, and to forward a copy of that document to the Department of Corrections. Corrigan, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

DIVISION FIVE

**A081385 -- Donald Cohen et al. v. Adrienne L. Adler et al.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, March 31, 1999

DIVISION ONE

**A080569 -- The People v. Bernard Beard.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A083351 -- The People v. George Dana Gooch.**

The judgment is affirmed. Stein, P.J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A083067 -- The People v. Raymond John Velasquez.**

After considering the record below, this court finds that the lower court neither abused its discretion in denying probation nor made any procedural or substantive errors. There are no meritorious issues to be argued. Accordingly, judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Wednesday, March 31, 1999 (continued)

**A083206 -- The People v. Dennis Sanford Owens.**

**A084711 -- In re Dennis Sanford Owens on Habeas Corpus.**

Therefore, we affirm the judgment on appeal. Having also reviewed the petition for writ of habeas corpus, we deny it summarily and thus, creating no “cause”, without need to state reasons in writing (Cal. Const., art. VI, § 14; *People v. Romero* (1994) 8 Cal.4th 728, 740; *In re Mazaros* (1977) 76 Cal.App.3d 50, 52-53). Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A074554 -- The People v. Larry Allen Jean.**

The judgment is affirmed. McGuinness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A077719 & A084331 -- The People v. Scott Roos.**

**In re Scott D. Roos, Petitioner on habeas corpus.**

Appellant’s convictions on counts 6 (§ 288, subd.(b)), 11 (§ 288.5) and 14 (§ 288.2) are reversed. In all other respects, the judgment of the trial court is affirmed. The case is remanded with instructions to prepare an amended abstract of judgment, and to forward a copy to the Department of Corrections. The petition for writ of habeas corpus is summarily denied. Corrigan, Acting P.J. We concur: Phelan, J.\*, Parrilli, J.

\*Retired Presiding Justice of the First District Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California constitution. (Not for Publication.)

**A077974 -- The People v. Mark A. Kroncke.**

The judgment is affirmed. Parrilli, J. I concur: Walker, J. See Concurring and Dissenting Opinion by Corrigan, J. (Certified for Partial Publication.)

Wednesday, March 31, 1999 (continued)

**A081136 -- Vizma V. Cantwell v. Moore, Sizoo & Nieman et al.**

The order setting aside the dismissal is affirmed. Costs on appeal are awarded to Cantwell. Corrigan, Acting P.J. We concur: Phelan, J.\*, Parrilli, J.

\*Retired Presiding Justice of the First District Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A081231 -- Michael M. Arvin v. Go Go Investments Club et al.**

The judgment is affirmed. Appellant shall pay respondents' costs on appeal. McGuiness, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A084528 -- In re Ricky A., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

DIVISION FIVE

**A080864 -- Regina Davis et al. v. State Farm Mutual Automobile Insurance Company.**

The judgment and order granting summary judgment is affirmed.

The order awarding sanctions is vacated. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A081358 -- Basic Modular Facilities, Inc. v. Keihan Ala Ehsanipour.**

The case is remanded with directions to restore appellant's lien on the subject property in the amount of \$192,062. We do not express or intimate any decision concerning the actual amount due appellant. Costs to appellant. Haning, J. We concur: Jones, P.J., Stevens, J. (Certified for Publication.)

Wednesday, March 31, 1999 (continued)

**A081549 -- Helen M. Murrish v. James E. Eddy et al.**

The order denying the petition for removal and the order awarding costs and fees are affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A082798 -- In re Benjamin P., a Person Coming Under the Juvenile Court Law.**

The order sustaining counts 1 and 3 of the petition is reversed and the case is remanded for further proceedings consistent herewith. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A083481 -- Norcal Piggyback Transportation, Inc. v. A & G Transportation, Inc.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)